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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,886	02/22/2002	William E. Bardwell	59730	9943
27975	7590	04/07/2004	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			LEE, SEUNG H	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,886	BARDWELL, WILLIAM E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Seung H Lee	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-21 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Receipt is acknowledged of the response filed on 14 January 2004, which has been entered in the file.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffers (US 5,613,712) in view of Baratelli (US 6,325,285, of record).

Jeffers teaches a document (24) such as a credit card comprising a magnetic fingerprint (12') and encoded information (16) (see Figs. 1-3; col. 1, line 58- col. 4, line 2).

However, Abtahi fails to particularly teach that the magnetic stripe of card is storing a personal identification number (PIN) and a fingerprint sensor.

Baratelli teaches a smart card storing the fingerprint information and the PIN in which the user must provide both information in order to access information and/or receive service available to user(s) wherein the PIN can be chosen by the card manufacture or by user(s) when the card is initialized, wherein the PIN is provided by

using keypad (410) of a Read/Write unit (WRU)(405), and the user's fingerprint is created during initialization (see Figs. 5A-5C; col. 5, line 13- col. 6, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the method of requesting PIN from user as taught by Baratelli to the teachings of Jeffers in order to provide an improved and an enhanced security means for authenticating/verifying user(s) with both biometric information and PIN information. Moreover, such modification would increase security means for preventing neither accessing information nor providing service using the card in case the user lost the card and the PIN since authenticating of biometric information (e.g., fingerprint) is necessary for accessing information and/or receiving service therewith.

Although, Jeffers as modified by Baratelli fairly suggest to capture fingerprint using a fingerprint sensor, it would have been an obvious to one of ordinary skill in the art at the time the invention was made to realize that the fingerprint sensor is used to capture fingerprint information in order to initialize the fingerprint stored on the IC card.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jeffers as modified by Baratelli as applied to claim 1 above, and further in view of Lasch et al. (US 6,581,839, of record)(hereinafter referred to as 'Lasch').

The teachings of Jeffers/Baratelli have been discussed above.

Although, Jeffers/Baratelli teaches the card storing the fingerprint information and the PIN on the magnetic stripe, they fail to specifically teach that the card corresponds to the ISO 7810 and the fingerprint information and the PIN is stored on the third track of the magnetic stripe.

However, Lasch teaches that a magnetic stripe cards are developed to meet the international standards organization (ISO) 7810 and the magnetic stripe having three tracks in which the first and second tracks are storing read-only information and the third track is storing the personal identification number, restriction, etc. (see col. 2, line 59- col. 3, line 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Larch to the teachings of Jeffers/Baratelli in order to use the card internationally by complying the ISO 7810 in which also reduces the cost of manufacturing the card, that is, companies/manufacture(s) does not need to supply a plurality of shapes of cards to user(s) for using the card internationally. Moreover, such modification would also have been an obvious to one of ordinary skill in the art at the time the invention was made to store information on the third track since the ISO 7811 defines to store information such as the personal identification number, country code, restriction, etc. on the third track of the magnetic stripe of the card, and therefore an obvious expedient.

***Allowable Subject Matter***

5. Claims 8-21 are allowed.
6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Although, the best prior art of record to Jeffers, Baratelli, and Larch teach that a method and system store fingerprint information on the magnetic storage medium on the credit card for increasing security. However, Jeffers, Baratelli, and Larch taken alone or in combination of other references, fail to specifically teach or fairly suggest that the biometric data such as fingerprint is stored in form of an array of image pixels as set forth in the claims.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4 and 6-7 are have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument that "There is no teaching of storing captured fingerprint information on a magnetic stripe of a card..." (see page 11, line 2+), the Examiner respectfully provide Jeffers reference wherein Jeffers teaches a credit card comprises a magnetic fingerprint thereon.

In response to applicant's argument that "There is no teachings of storing biometric data and/or a PIN on a magnetic stripe" (see page 11, line 19+), the Baratelli simply provide a method and/or apparatus for initializing the credit card comprising fingerprint data and PIN wherein user(s) can choose his/her own PIN. Therefore, when interpreting the claimed limitations as broadly as is reasonably possible, the combination of the teachings of Jeffers and Baratelli meets the claimed invention.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Takai et al. [US 6,024,287] discloses a card-recording medium.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax-phone number for this group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [seung.lee@uspto.gov].


*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

  
Seung H. Lee  
Art Unit 2876  
March 31, 2004

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800